THE HON'BLE MR JUSTICE B. PRAKASH RAO

AND

THE HON'BLE MR JUSTICE D. APPA RAO

WRIT APPEAL Nos.1324 of 2000 & 328 of 2001

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Dated: 13.04.2006

WRIT APPEAL No.1324 of 2000

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Between:

P. Subba Ratnamma & others.

… Appellants

AND

The State of A.P., rep., by its Secretary,

Education Department, Secretariat, Hyderabad

& others.

… Respondents

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WRIT APPEAL No.328 of 2001

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Between:

M. Dhana Lakshmi.

… Appellant

AND

The State of A.P., rep., by its Secretary,

Education Department, Secretariat, Hyderabad

& others.

… Respondents

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THE HON'BLE MR JUSTICE B. PRAKASH RAO

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THE HON’BLE MR JUSTICE D. APPA RAO

WRIT APPEAL Nos.1324 of 2000

And

WRIT APPEAL No.328 of 2001

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COMMON JUDGMENT: **(PER THE HONOURABLE BPR,J)**

Heard Sri G.V. Shivaji, the learned counsel appearing for the appellants, learned Government Pleader for School Education and Smt. E. Urmila, learned Standing Counsel appearing on behalf of respondents 4 and 5.

The appellants in both the appeals are the un-successful writ petitioners, who by way of these appeals seek to assail the order dismissing their writ petition in WP.No.5731 of 2000, dated 10.10.2000.

The writ petition is sought for a Mandamus to declare the action of the respondents herein in terminating the appellants' services by proceedings dated 29.02.2000 as illegal and violative of Articles 14, 16 and 21 of the Constitution of India and contrary to the provisions of the A.P. Education Act (for short "the Act") and the Rules made there under.

Few facts, which are necessary for the disposal of the appeals, are that all the appellants are working as teachers in the schools run by the 4th respondent society (for short "the society") and according to the appellants, they have already put in 5 to 7 years of service. Initially, the schools were run by the then Management called Goutham Public School and subsequently the management was taken over by the society, which in turn issued impugned proceedings terminating their services from 31.05.2000 and asking them to vacate the quarters.

On contest, the learned Single Judge found that the appellants herein have no enforceable right since their appointment itself is temporary for a period of one year and therefore, after expiry of the said period, they have no right to continue in service.

Having heard the counsel on either side and a perusal of the material available on record, the only question which arises for consideration is as to whether the termination of the appellants' services is valid in terms of the provisions contained in the Act. Before entering into the other aspects, the main provision, which has been sought on by the appellants counsel is Section 79 of the Act, which contemplates the management to obtain prior permission before affecting any such termination of any employee or teacher. The question as to whether the said provision applies to such temporary employees, is to be considered.

This Court in WA.No.1545 of 2001, dated 31.03.2006, held that the said provision (Section 79 of the Act) equally applies to temporary employees and also the employees appointed on *ad hoc* basis. Therefore, following the same, we hold that the action on the part of the respondents herein in terminating the services of the appellants, is violative of the said provision (Section 79 of the Act) and the same is illegal.

Accordingly, both the writ appeals are allowed and the impugned orders are set aside. No order as to costs.

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B. PRAKASH RAO, J

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D. APPA RAO, J

Date: 13.04.2006

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